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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,850	02/15/2007	Matthijs Vos	P7226	2525
Dla Pipper Us 203 North LaSalle Street Suite 1900 Chicago, IL 60601-1293				
			EXAMINER	
			VANAMAN, FRANK BENNETT	
			ART UNIT	PAPER NUMBER
			3618	
			MAIL DATE	DELIVERY MODE
			07/31/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,850

Applicant(s)

VOS, MATTHIJS

Examiner

Frank B. Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 18 is/are rejected.
- 7) ☒ Claim(s) 4-17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The specification is objected to because it lacks the headings preferred in the framing of a US Patent Application:

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

3. Claims 4-17 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim and/or cannot refer to plural groups of other multiple dependent claims. See MPEP § 608.01(n). Accordingly, these claims have not been further treated on the merits. Claims 1-3 and 18 are treated herein.

The examiner explicitly notes that there does not appear to be a preliminary amendment in the instant application correcting this matter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurbe et al. (FR 2,794,418).

As regards claims 1 and 2: Hurbe et al. teach a shopping cart (2 in general - see figure 3) which includes a frame-supported basket (42) provided with caster wheels (shown at the bottom of the cart, not separately referenced), the cart being provided with a child seat (see proximate 36) on an inside of the front of the basket area, and a decoration shield (4, 6, 12, etc.) arranged to be removably mounted (see at bracket element 16) to the basket on an outer front side. The reference to Hurbe et al. fails to specifically teach that the child seat is removably attached, however in view of at least one of the other (see figure 1) which teaches that both the seat and decoration may be removably mounted on the art, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the seat portion removably mounted to the cart as well as the decoration portion, so as to facilitate repurposing of the cart, and/or to allow the seat to be easily removed for repair and/or refurbishment and/or for the

purpose of allowing access to a greater interior space in the cart basket when desired. As regards claim 2, while the reference to Hurbe et al. appears to illustrate the use of a bracket (16) for connecting at least the decoration portion to the basket, the illustration fails to clearly show a pair of legs interconnected with a connecting part. In that Hurbe et al. teach the use of a bracket having a pair of legs and a connecting part, forming a groove there-between (see 14, figure 1) in an alternate embodiment, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the same type of bracket as illustrated in the embodiment shown in figure 1 for the purpose of using the same stock materials to construct the bracket, beneficially reducing the costs associated with stocking numerous different elements to form brackets having the same function.

As regards claim 18: Hurbe et al. teach a shopping cart (2 in general - see figure 1) which has been designed, and which includes a child seat and/or decoration plate (4) which is suspended from an edge portion (26) of a basket (42 in general) by the use of an overhanging bracket (14) having a pair of downwardly extending legs between which a groove is formed and a connecting part, and wherein the engagement of the basket and bracket is by lowering the bracket assembly such that the basket portion engages the groove. The reference to Hurbe et al. fails to specifically teach that the cart has been designed by a design method, however it is well known to employ a design method to design elements and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to have designed the cart by a design method for the well known purpose of formulating a plan for construction of the cart.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hurbe et al. in view of Goldman (US 2,662,775). The reference to Hurbe et al. as applied to claims 1 or 2 is discussed above, and fails to specifically teach that the seat is provided with one or more overhang brackets forming two points of support, and at least one stop portion on the seat which engages a bottom or side of the basket structure to provide a fixed orientation for the seat. Goldman teaches that it is well known to construct a movable seat element for a shopping cart (see figure 2) with at least a pair of

overhanging brackets (26, 27, 28, 28a) at a top portion for engaging a top rim of a basket portion (8b), and at least one stop portion (proximate 15, 15a, 15b) which engages a basket side portion (8a, basket in phantom) it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the seat portion taught by Hurbe et al. modified to be removable, with both an overhanging bracket portion and lower engagement portion as taught by Goldman for the purpose of ensuring that the seat may be easily connected to and disconnected from the cart and provided with at least a lower basket-engaging portion as taught by Goldman for the purpose of ensuring that the seat is positioned properly by a simple engagement of the lower portion and basket portion, thus beneficially reducing assembly time by not requiring further steps to register the position of the seat and/or not requiring an adjustment process to fit the seat to the cart basket.

Conclusion

7. Applicant is reminded that claims 4-17 are objected to for being improper multiple dependent claims. These claims have not been further considered or otherwise treated on the merits.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cohen (US 4,376,502), Jones et al. (US 5,255,930), Evans (US 5,306,033), Reiland et al. (US 6,464,238), McCue et al. (US 6,513,817) and Pennell (US 2006/0049591) teach cart structures of pertinence.

9. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3618

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618

/Frank B Vanaman/
Primary Examiner, Art Unit 3618